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**The usage of the special knowledge in stage of initiation of criminal case during production of urgent investigative actions**

**Abstract:** Information received in result of production an initial investigative actions creates actual base of investigation, provides an opportunity its detailed planning.

Urgent investigative actions are presented itself a complex of common actions, determined by the existed investigative situation and circle of circumstances that are subjected to an urgent determination.

In the base of conclusion about institution of criminal case always lies analysis of the results of use of the special knowledge in any sphere of human activity.

**Keywords:** special knowledge; institution of criminal case; investigative actions; system, court proceeding; stage; version; situation.

The list of the urgent investigative actions and organizational measures are determined by the type and nature of crime, by other circumstances and it is not the normative. The concept “urgent investigative actions” is not identically with the motion “initial investigative actions”, but in the most cases they coincide.

The initial investigation actions play an important role in the methodic of investigation since information collected in result of their production creates actual base of investigation, ensuring an opportunity its detailed planning and purposefulness. In the most part, the initial investigative actions have urgent nature since in case of delaying with their performance can be lost criminalistically important information.

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Besides, the initial investigative actions are an urgent because it is impossible to determine the direction of investigation and to continue it without their production.

The urgent investigative actions and organizational measures are presented themselves a complex of common actions, which is determined by the existed investigative situation, direction of investigation and a circle of circumstances are subjected to the urgent establishing. The correct methodical approach to a choice of their performance is a pledge of success not only the first stage, but and whole investigation. In connection with this, selection of the urgent investigative actions in the methodic of investigation, determination of their optimal of the set and sequence has a principle methodical significance.

In criminalistics to the tasks of the initial stage of investigation are related: verification the common typical versions; an urgent collection and fixing of the evidences in order not to be lost; acceptance of the measures for a search and detention of a person suspected in committing of a crime; acceptance au urgent measures to compensate for losses and other (8, p. 338).

To the initial, and consequently, to the urgent investigative actions some authors relate the following:

- on the cases about murders - examination of the scene on incident and the corpse, interrogation of the suspected and witnesses, presence the people and subjects for identification, forensic and criminalistical examinations (Filippov A.G., Averyanova T.V., Belkin R.S., Korukhov Yu.G., Rossinskaya E.P.) (8, p. 348-349; 1, p. 706-708);

- on the cases on smuggling - examination of the scene on incident, examination of smuggled goods and other items, interrogations of the witnesses, assignment of examination, production of seizure, investigative experiments (Belkin R.S.) (7, p. 475-477);

- on the cases about tax crimes – examination, seizure, search, interrogations etc. (Chelysheva O.V., Feskov M.V.) (12, p. 81-88).

Thus, in case of initiation by an inquirer a criminal case, on which preliminary investigation is mandatory, he will be deprived an opportunity of production of the urgent investigative actions.

Criminal proceeding is presented itself an activity carrying out by the law enforcement bodies in a certain order and in connection with application of the criminal law. This activity consists not just from combination and from the system of ordered actions, divided on specific stages.

The main stage of the criminal proceedings is an initiation of a criminal case since lawful, substantiated and timely beginning of production on it – one of the necessary conditions for fast, complete and objective investigation. Opposite comes to loss of the evidences, violation of the principle of a certainty of punishment.

For consideration of the problems of ensuring the right of individual under using special knowledge on the stage of initiation of criminal case, we proceed from that it is a stage of criminal proceedings, known also as “criminal process”.

As known, this stage has by it assignment the resolving of an issue about initiation of criminal case thereby contributes of the implementation of common tasks of the criminal proceedings that formulated in the article 8 of the CPC: a defense of a person, society and the state from criminal, a defense of a person against ungrounded accusations.

The essence of a stage of initiation of the case consists in establishing of presence or absence material-legal and procedural preconditions of investigation, which carry out only under the sufficient data indicating on the signs of crime (art. 46.3 of CPC).

As the fist stage of criminal proceedings, an initiation of the criminal case begins from appearance of a reason to initiate a criminal case (a statement of a physical person, information of the juridical entity, official person) or mass media about committed or planned crime or direct finding of these information by an inquirer, investigator or prosecutor (art. 46.2 of CPC) and is completed by the resolution about initiation of the criminal case or refusal in it initiation.

A stage of initiation of the criminal case possesses with all signs, which are characterized the stage of criminal proceedings: a) mandatory existence and passing through; b) direct, obligatory for performance task; c) specificity of nature and position of the subjects; d) completion by the procedural act that determines the fate of all production. In connection with this the stage of initiation of criminal case may be with full ground considered by the independent stage of criminal proceedings.

Content of the stage of initiation of the criminal case is not just a passing of the resolution. This stage is presented by itself a system of interlinked actions and decisions, in which are indicated the following mandatory elements:

- receiving and verification of information (a statement, information etc);
- acceptance a decision on information;
- notification of an applicant, interested persons and prosecutor about accepted decision.

Besides, as alternative element it can be named a performance of the checking actions, acceptance of the measures to prevent crimes, systematization of the materials and other.

Except of a reason, the ground for initiation of the criminal case is presence of sufficient data indicating on the signs of crime (art. 46.3 of the CPC). Sufficiency of the data is reached by the way of establishing a logical links between them, elimination of the contradictions, supporting of the circumstances by the complex of sources. Determination of the signs of crime is carried out on the rules of crime qualification.

Analysis of the criminalistical literature testifies that during researching of the issues of methodic of investigation of separate crimes it does not give a proper attention to the stage of initiation of the criminal case and connected with it circumstances. The most part of the authors are limited only by describing of separate procedural characteristics of initiation of criminal case, i.e. a listing of possible grounds for that.

So, Z.T. Gavrilina, considering the methodic of investigation of misappropriation, listing the typical signs of these crimes, pointed out: "Resolution of

an issue on initiation of criminal case is not always possible on a base of only receiving materials, without their verification and additional collection of information. This verification carries out by the collection of explanations of the individuals, which can be any way responsible for violation of the law or are involved to identification of the criminal fact but without production of investigative actions. Verification can be implemented through performance of revision.

An initiation of the criminal case about misappropriation under the direct detection by the inquiry body of the signs of crime goes through: a) in the process of investigation of other cases about misappropriation and linked with it bribery, private activity, deception of the customers... b) in result of performance of operative and search measures..." (9, p. 7-9).

K.T. Chernova, researching the issues of methodic of investigation of criminal violations of labour safety regulations, writes: "In dependent on the source of information, receiving materials have that or other level of completeness that, in turn, (together with specificity of the incident) influences the decision on immediate initiation of criminal case or implementation of verification" (9, p. 176).

N.I. Porubov, describing the methodic of investigation of murders and causing bodily harm, pointed out: "decision of an issue on initiation of the criminal case in each specific case depends on presence in initial materials sufficient data, pointing out that in result of someone criminal actions was happened the violent death of a man. If, on opinion of an investigator, this data is sufficient then a case is immediately initiated. In those cases, when initial information has an uncertain nature criminal case is initiated only after preliminary verification" (7, p. 483).

B.V. Andreyev, P.N. Pak and V.P. Horst, considering the issues of investigation of crimes in sphere of computer information, write: "Decision of an issue on initiation of the criminal case requires careful checking and assessment of available data. Exception is only rare cases of detention criminals with red-handed..." (2, p. 46).

For more complete analysis of researching issue we are citing appropriate provisions and recommendations of the criminalistical methodic of investigation of other kinds of crimes.

Kidnapping of a person (A.I. Dvorkin). “Prosecutor has to be immediately notified about receiving... statement or information on kidnapping of a person.

... In the case if an investigator on any reasons was not involved in a work on the stage of checking of initial materials, he has obligatorily to be notified about operation on releasing of a kidnapped person and at once after finishing to make examination of a place of forcible retention of a victim. After that and interrogation of the necessary persons he should immediately solve an issue on initiation of criminal case” (4, p. 31).

Misappropriation in sphere of economic activity (N.M. Sologub, S.G. Evdokimov, N.A. Danilova). “Insufficient consideration of the operative and searching measures on the stage of pre-investigative examination is caused that the criminal cases are initiated without sufficient grounds. ... Under resolution of an issue on initiation of a criminal case, together with consideration of procedural aspects, is needed to decide the criminalistical and criminally-legal problems. ... On stage of initiation of a criminal case it cannot be spoken about proving of all circumstances are subjected to establishing. Here, it is analyzed only data (reliable and unreliable) about key circumstances of committing of crime” (11, p. 72).

Misappropriation committing with use of trade credits (V.I. Komissarov, E.S. Lapin). It is listed the reasons and grounds to initiation of criminal case (6, p. 103-107).

Methodic of investigation of economic crimes (N.P. Yablokov). It is considered typical situations of a stage of initiation of a criminal case (7, p. 593-596).

Methodic of investigation of terrorism (K.N. Salimov, B.A. Aliyev). “Currently, the criminal cases about crimes of terrorist criminal groups are initiated as follows: 1) at once according to results of an operative checking; 2) after appropriate assessment of information and statements about crimes of terrorist groups, to which antedated of operative searching examination. During of checking can be carried out inspection of

a place of incident, items, documents, revision; seizure of the items and documents including with drawing of a specialist according to the requirements of the CPC. In compliance with this before initiation of criminal case it can be carried out the examinations, the results of which are considered as evidences, is executed a checking of financial and economic activity, property and financial status of separate persons...” (10, p. 110).

Investigation of smuggling (V.I. Ostapenko). It is made the detailed analysis of the situations of initiation of criminal case (5, p. 52-60).

Investigation of illegal trafficking in firearms, ammunition, explosives and explosive devices (Yu.N. Belozarov, E.A. Nagayev). It is made detailed analysis of the situations of initiation of criminal case under misappropriation, trading, storing and possession of the firearms, ammunition, explosives and explosive devices (3, p. 60-61, 79-81).

Investigation of tax crimes (O.V. Chelyshova, M.V. Feskov). It is analyzed a tactic performance of inspectional actions in a stage of initiation of criminal case (12, p. 73-81).

In addition, it should be named the methodic of investigation of the murders committed with the using of explosive devices (A.I. Dvorkin, L.V. Bertovsky) and murders on “settling” (M.S. Gurev), and also investigation of organized criminal activity (S.P. Yablokov), in which are touched issues of initiation of criminal case (13, p. 18-20, 74, 123-124, 120-121).

Analysis of a content of the listed works and made assertions from them is allowed asserting that in a base of the conclusion about initiation of criminal case, in all cases, underlies an analysis of the results of using of special knowledge in that or other sphere of human activity, although, in some cases the authors are touched of this issue indirectly.

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